

## **Exhibit 9: Richard Rodgers Theater**

### **Exhibit 9A: Entrances**

Nederlander shall maintain the entrance to the Theater, including but not limited to the automatic accessible entry doors, in the same condition as set forth on Exhibit 9A (i.e., in the same condition as they existed for the Government's inspection conducted on May 3, 2011).

### **Exhibit 9B: Architectural Modifications**

Nederlander shall make the architectural modifications set forth in Exhibits 9A and 9B. In addition, Nederlander shall maintain the wheelchair accessible unisex restroom in the same condition as it existed for the Government's inspection conducted on May 3, 2011, as further modified in Exhibit 9B, and shall also (i) install a visual alarm in the restroom; (ii) install an automatic door for the restroom; and (iii) modify the location of the sink to provide an adequate maneuvering space as required by Standards § 4.16.2.

### **Exhibit 9C: Seating**

Nederlander shall implement the seating plan attached hereto as Exhibit 9C.

#### Wheelchair and Companion Seating:

1. Nederlander shall maintain the two existing wheelchair and companion seating locations on the orchestra level: at H17, and H18, with H19 and H21 being companion seating locations.

2. Nederlander shall add four new wheelchair seating locations at H9, H15, H10, and H16, with H11, H13, H12, and H14 being companion seating locations.

#### Aisle Transfer Seats:

3. Nederlander shall add fourteen new aisle transfer seating locations on Orchestra level at A1, A2, A101, C113, E1, E2, E23, E24, F101, F113, L1, L2, M1, and M2.

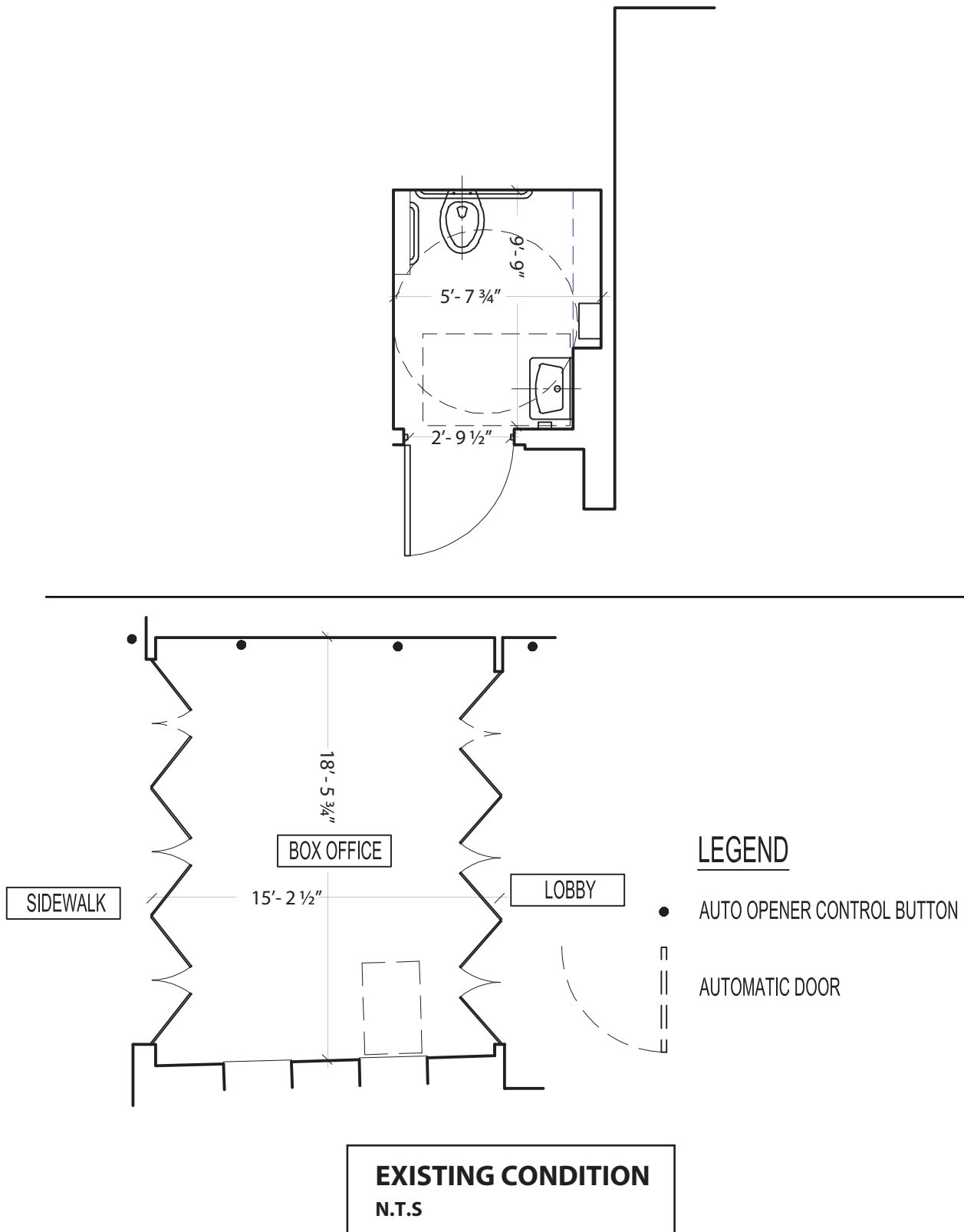
#### Accessibility Escorts:

4. Nederlander shall offer assistance to all persons using wheelchair or other mobility devices to enable them to navigate the paths of travel to any wheelchair or aisle transfer seating location.

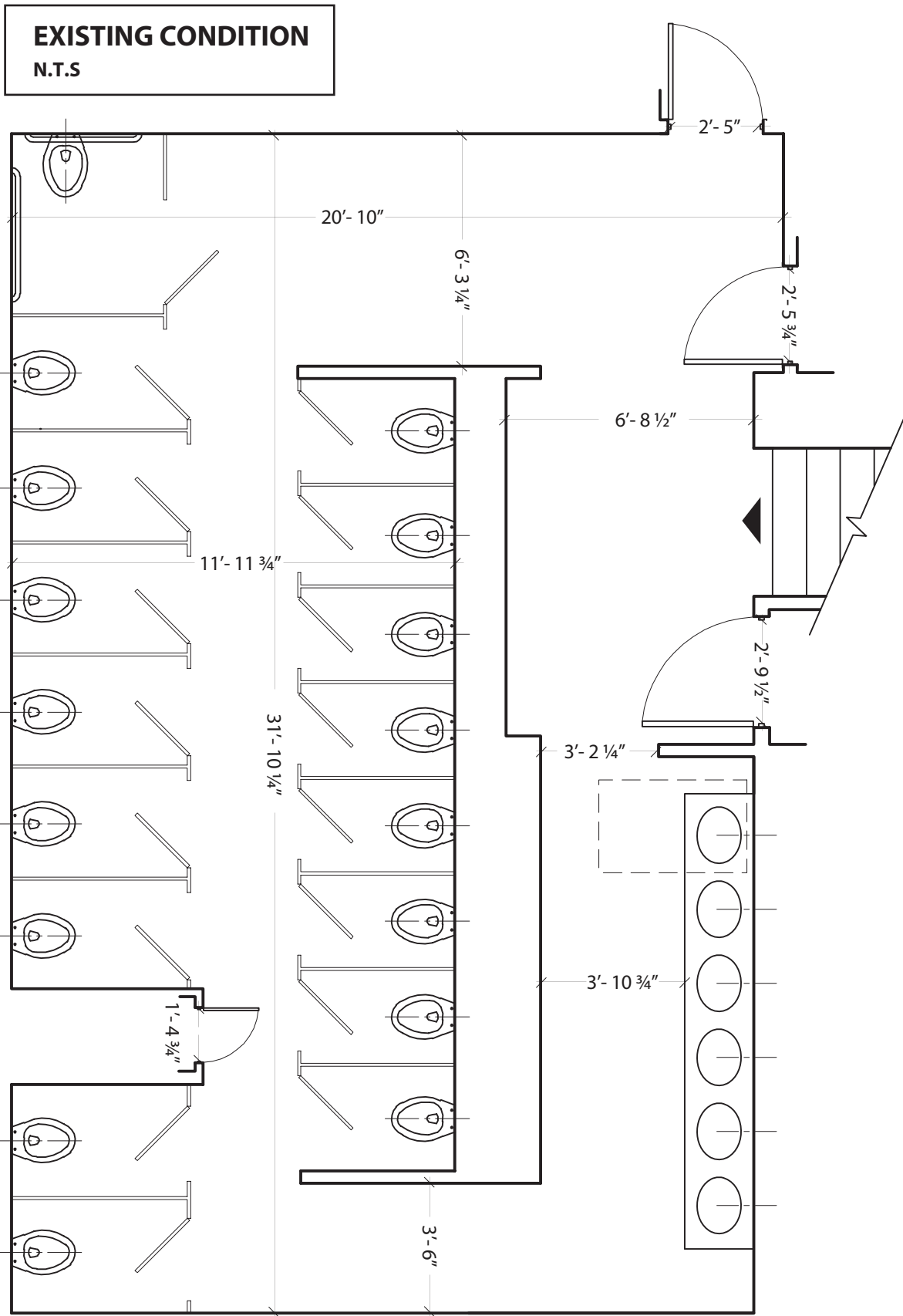
5. Nederlander shall offer assistance to all persons using wheelchair or other mobility devices to enable them to access any portion of the Theater facility, including the anteroom off the lobby of the Theater, formerly known as Budweiser Alley.

6. Nederlander shall ensure that, on any night that the Theater is open for a production or special event, that at least one employee shall be available to serve as an escort to assist persons with mobility impairments.

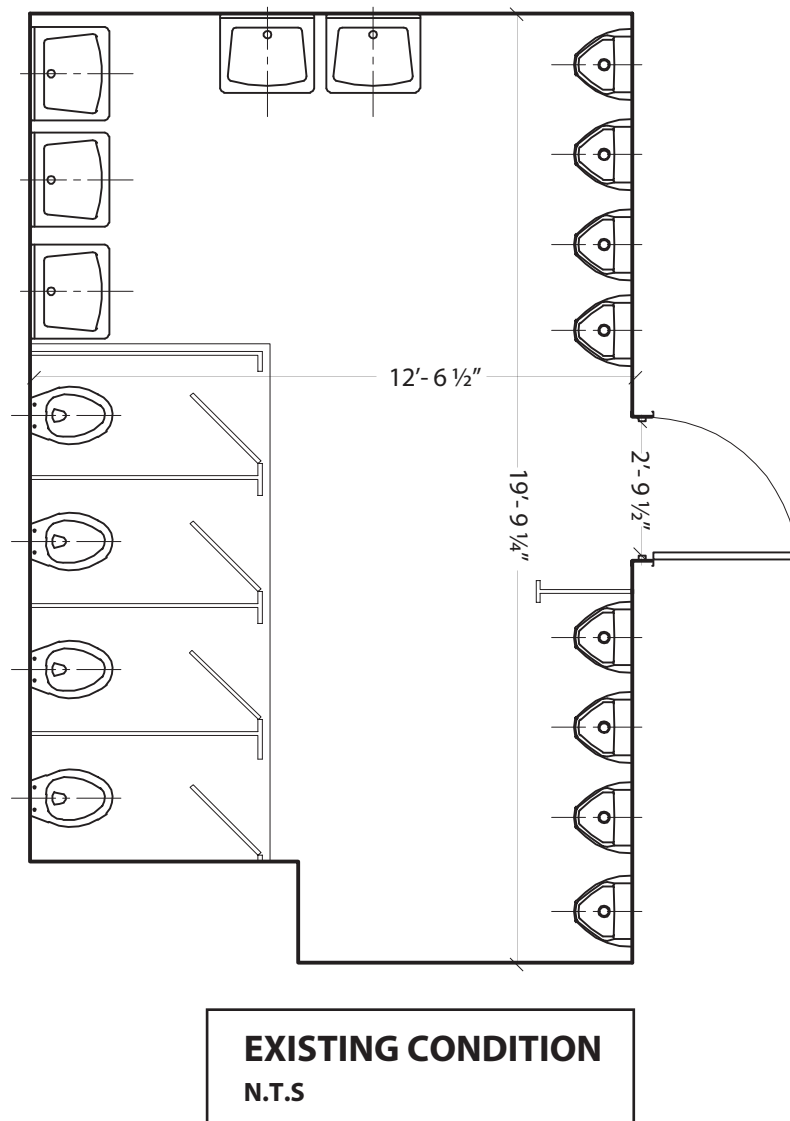
7. Nederlander shall post signs prominently advising patrons that an escort is available to assist individuals with mobility impairments.



## 9. RICHARD RODGERS THEATER LOBBY- ACCESSIBLE TOILET ROOM / BOX OFFICE PLANS



## 9. RICHARD RODGERS THEATER LOWER LEVEL - WOMEN'S TOILET ROOM PLAN



**9. RICHARD RODGERS THEATER**  
**LOWER LEVEL - MEN'S TOILET ROOM PLAN**

DWG **9A.3**

**Exh. 9B Architectural Modifications to Rodgers Theater**

| <b>Line #</b> | <b>Location Description</b> | <b>Existing Condition</b>  | <b>Barrier Removal</b>  | <b>1991 Standards Reference</b>                 | <b>Architectural Modification</b>   |
|---------------|-----------------------------|--|---|---|---|
| 1             | Box Office                  | There are 3 pairs of 32" exterior glass doors that provide 28" clear width.                      | Clearance widths of paired exterior entry doors are less than 32" per active leaf.  | 4.1.3(7)<br>4.13.4<br>4.13.5<br>Fig. 24         | <b>Defendant has provided double leaf automatic doors.</b>  |
| 2             | Box Office                  | The entry door maneuvering clearance is sloped at 6.8%.  | Floor surface within required area for entry door maneuvering clearance is not level.   | 4.13.6<br>4.3.7                                 | <b>Slope modification are not feasible due to existing architectural constraints and interior landmark designation.</b> |
| 3             | Box Office                  | No ALS signage found   | No signage is provided at the ticket office and/or other apparent location(s) notifying patrons of the availability of an assistive listening system (ALS). | 4.1.3(19)(b)<br>4.33<br>4.30.7<br>Fig. 43(d)    | <b>Defendant will provide compliant signage.</b>  |
| 4             | Box Office                  | There are 2 shelves at Ticket Sales, one at 43" AFF and the other at 46" AFF.                    | Sales, service, or information counter is higher than 36" AFF at cash register(s) for sales or distribution of goods or services to the public.             | 7.2(2)<br>4.3                                   | <b>Defendant will provide compliant counters.</b>   |
| 5             | Box Office                  | The public pay telephone is 55" AFF to the highest operable part (the coin slot), side approach. | The operable parts of the public pay telephone are outside reach range (48" AFF maximum for forward approach and 54" AFF maximum for parallel approach).    | 4.1.3(17)<br>4.2.5<br>4.2.6<br>4.31.3<br>Fig.44 | <b>Defendant will remove pay telephone.</b>   |
| 6             | Box Seating (Box A)         | The circulation path to box seating box A has a light fixture at 70" AFF.                        | Object(s) in circulation path reduce headroom to less than 80" AFF or project more than 4" from wall between 27" AFF and 80" AFF.                           | 4.1.3(2)<br>4.4.1<br>4.4.2<br>Fig. 8(a-e)       | <b>Defendant has removed protruding objects.</b>  |

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|---------------|-----------------------------|---|--|--|--|
| 7             | Box Seating (Box B)         | The circulation path to box seating box B has a light fixture at 68" AFF.   | Object(s) in circulation path reduce headroom to less than 80" AFF or project more than 4" from wall between 27" AFF and 80" AFF.                          | 4.1.3(2)<br>4.4.1<br>4.4.2<br>Fig. 8(a-e)                                | <b>Defendant has removed protruding objects.</b>           |
| 8             | Lobby                       | There is 29" clear width at the doors from the Box Office to the Lobby.   | Clearance widths of paired doors into lobby are less than 32" per active leaf.   | 4.1.3(7)(b)<br>4.1.3(7)(c)<br>4.1.3(7)(d)<br>4.13.4<br>4.13.5<br>Fig. 24 | <b>Defendant has provided double leaf automatic doors.</b> |
| 9             | Lobby                       | There is overhead directional signage with 1.5" high letters that is typical of overhead signage in the building. | Overhead directional or informational sign about functional spaces located higher than 80" AFF has characters less than 3" high (based on upper case "X"). | 4.1.3(16)(b)<br>4.30.3   | <b>Defendant has provided compliant signage.</b>           |
| 10            | Lobby                       | ALS cart/box found in lobby but the quantity of receivers in the building is unknown. No ALS signage found.       | Unable to verify the number of Assistive Listening System receivers or coverage areas due to ALS cabinet being locked.                                     | 4.1.3(19)(b)<br>4.30.7(4)<br>4.33.6<br>4.33.7<br>Fig. 43(d)              | <b>Defendant will provide Assistive Listening System.</b>  |
| 11            | Lobby                       | The concession counters are 41.5" AFF and 42.5" AFF.  | Sales, service, or information counter is higher than 36" AFF at cash register(s) for sales or distribution of goods or services to the public.            | 7.2(1)<br>7.2(2)<br>4.3  | <b>Defendant will provide compliant counters.</b>          |
| 12            | Lobby                       | The souvenir counters are 39" and 42" AFF.  | Sales, service, or information counter is higher than 36" AFF at cash register(s) for sales or distribution of goods or services to the public.            | 7.2(1)<br>7.2(2)<br>4.3  | <b>Defendant will provide compliant counters.</b>          |

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| <b>Line #</b> | <b>Location Description</b>    | <b>Existing Condition</b>   | <b>Barrier Removal</b>  | <b>1991 Standards Reference</b>   | <b>Architectural Modification</b>   |
|---------------|--------------------------------|---|---|---|---|
| 13            | Lobby (Accessible Toilet Room) | The mirror is mounted at 45" AFF to the bottom of the reflecting surface.   | Bottom of mirror reflecting surface is greater than 40" above finish floor.   | 4.1.3(11)<br>4.19.6<br>4.22.6<br>Fig. 31  | <b>Defendant has provided tilted mirror.</b>  |
| 14            | Lobby (Accessible Toilet Room) | The accessible toilet room is 77" x 44" with a raised alcove 19.5" deep and 17.5" wide that contains the inaccessible lavatory.                               | Existing small toilet room does not provide the required turning space, clear floor space at fixtures, or an accessible lavatory. | 4.1.3(11)<br>4.2.3<br>4.13<br>4.16<br>4.19<br>4.22<br>4.26<br>4.27<br>Fig. 3<br>Fig.28<br>Fig.29 etc. | <b>Defendant will provide automatic door for maneuvering clearance.</b>                 |
| 15            | Lobby (Accessible Toilet Room) | The side grab bar extends from 9" to 45" from the rear wall.  | Toilet room side grab bar is less than 42" long and extends to less than 54" from rear wall.                                      | 4.1.3(11)<br>4.16.4<br>4.22.4<br>4.26<br>Fig. 29  | <b>Defendant will provide compliant side grab bar to the extent readily achievable.</b> |
| 16            | Lobby (Accessible Toilet Room) | The water closet is approximately centered within the 44" wide space.   | The centerline of the water closet is greater than 18" from the side wall.  | 4.1.3(11)<br>4.16<br>4.22.4<br>Fig. 28  | <b>Defendant will provide compliant water closet location.</b>                          |
| 17            | Lobby (Accessible Toilet Room) | There is incised letter and Braille signage on the face of the outswinging door where a user within 3" of sign may be struck by an unexpectedly opening door. | There is no raised lettering and Braille room identification sign provided at this unisex single user toilet room.                | 4.1.3(16)(a)<br>4.30.1<br>4.30.4<br>4.30.5<br>4.30.6  | <b>Defendant will provide compliant signage.</b>  |
| 18            | Lobby (Accessible Toilet Room) | The toilet paper dispenser is mounted 31.5" to the near edge from the rear wall and 41.5" to the far edge from the rear wall.                                 | Double roll toilet paper dispenser is mounted with far roll more than 36" from back wall to far edge of paper roll.               | 4.1.3(11)<br>4.16.6<br>4.22.4<br>Fig.29(b)<br>Fig.30(d)   | <b>Defendant will provide accessible mounting height of toilet paper dispenser.</b>     |



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|---------------|---------------------------------|--|---|---|--|
| 19            | Lobby (Accessible Toilet Room)  | Throw-bolt hardware on the door is at 59" AFF.   | Existing high door hardware cannot be grasped easily with one hand or requires tight grasping, pinching, or twisting of the wrist to operate. | 4.1.3(11)<br>4.13.9<br>4.22.2   | <b>Defendant will provide compliant hardware.</b>                |
| 20            | Lower Level (Men's Toilet Room) | Lower level is not served by an elevator or any other accessible route. There are also 2 steps without handrails up from the lower level lobby into the men's toilet room. | Toilet room is on a level not served by an accessible route.  | 4.1.3(1)<br>4.1.3(3)<br>4.1.3(5)<br>4.1.6(1)(b)<br>4.1.6(2)<br>4.3.2(3)<br>4.3.8<br>4.5.2 | <b>Defendant has provided compliant handrail.</b>                |
| 21            | Lower Level (Men's Toilet Room) | The mirror is mounted at 53" AFF to the bottom of the reflecting surface.  | Bottom of mirror reflecting surface is greater than 40" above finish floor.   | 4.1.3(11)<br>4.19.6<br>4.22.6<br>Fig. 31  | <b>Defendant will provide compliant mirror.</b>                  |
| 22            | Lower Level (Men's Toilet Room) | There are 4 toilet stalls in this toilet room with a 4" step up into each stall, none of which are accessible.   | Vertical change in level is more than ¼" high.  | 4.1.3(1)<br>4.1.3(3)<br>4.3.8<br>4.5.2<br>Fig. 7(a-b)                                     | <b>Defendant will adjust vertical change in level.</b>           |
| 23            | Lower Level (Men's Toilet Room) | There is only 7" width on the pull side door maneuvering clearance and 2 steps without a landing on the push side.   | Maneuvering clearances at doorway are less than required.   | 4.1.3(1)<br>4.1.3(3)<br>4.3.8<br>4.5.2<br>4.13.6<br>Fig. 25(a-f)                          | <b>Defendant will increase maneuvering clearance.</b>            |
| 24            | Lower Level (Men's Toilet Room) | High, standard drinking fountain in 34" wide alcove is not accessible to wheelchair users, little people, and those with restricted reach.                                 | Forward approach, standup drinking fountain is installed in a narrow alcove >24" deep and < 36" wide.   | 4.1.3(10)<br>4.15<br>Fig. 27  | <b>Defendant will renovate drinking fountain for compliance.</b> |

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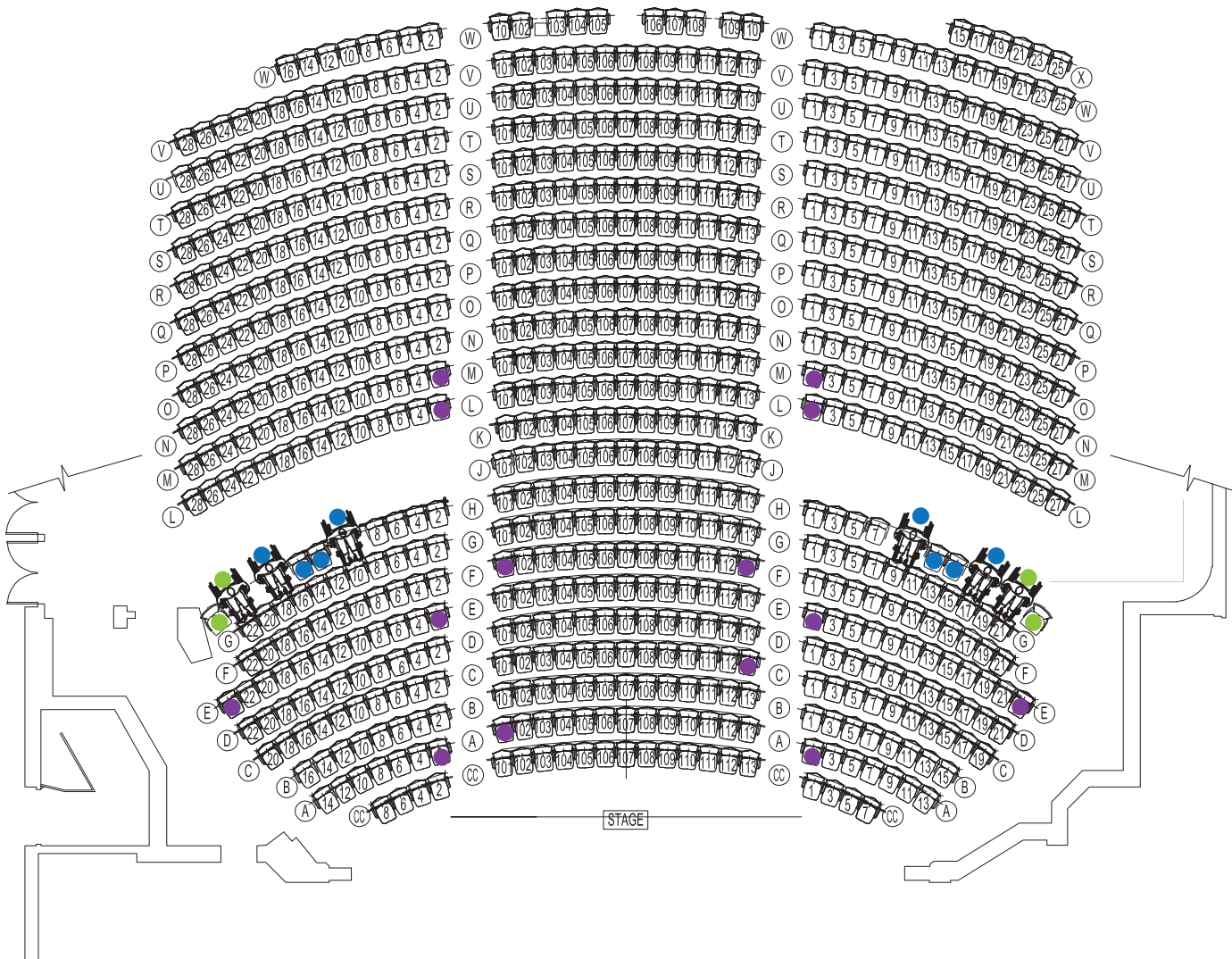
| <b>Line #</b> | <b>Location Description</b>       | <b>Existing Condition</b>  | <b>Barrier Removal</b>  | <b>1991 Standards Reference</b>                                 | <b>Architectural Modification</b>   |
|---------------|-----------------------------------|--|---|---|---|
| 25            | Lower Level (Men's Toilet Room)   | The public pay telephone is 63.5" AFF to the highest operable part (the coin slot) and offers no volume control.   | Public pay phone is mounted too high and has no volume control (required on all accessible phones plus 25% of all other telephones of the same type). | 4.1.3(17)<br>4.2.5<br>4.2.6<br>4.30.7<br>4.31.3<br>Fig.44       | <b>Defendant will remove public pay telephone.</b>  |
| 26            | Lower Level (Men's Toilet Room)   | Sign is not RLB and is mounted high on the face of the door.   | There is no raised lettering and Braille room identification sign provided at this gender specific multi- user toilet room.                           | 4.1.3(16)(a)<br>4.30.1<br>4.30.4<br>4.30.5<br>4.30.6            | <b>Defendant will install compliant signage.</b>  |
| 27            | Lower Level (Men's Toilet Room)   | The paper towel dispensers are mounted at 55" AFF.   | Towel dispenser is mounted outside of reach range.  | 4.1.3(11)<br>4.2.4<br>4.2.5<br>4.2.6<br>4.22.7                  | <b>Defendant will remount towel dispenser.</b>  |
| 28            | Lower Level (Men's Toilet Room)   | There are 5 wall mounted lavatories with a rim height of 31" AFF, 27" AFF knee space at the front edge, and 23.5" AFF knee space at 8" back.                               | Wall-mounted lavatories all have less than required knee clearance (29" minimum AFF at front, 27" minimum AFF at 8" deep).                            | 4.1.3(11)<br>4.19.2<br>4.19.3<br>4.22.6<br>Fig. 31              | <b>Defendant will remount wall lavatories.</b>  |
| 29            | Lower Level (Men's Toilet Room)   | There are 8 urinals in this toilet room, none of which are accessible.   | Urinal(s) is(are) provided but there is not an accessible urinal.   | 4.1.3(11)<br>4.22.5<br>4.18.3                                   | <b>Defendant will install accessible urinal.</b>  |
| 30            | Lower Level (Men's Toilet Room)   | The door requires 9 pounds of force to open.   | Closer at non-fire-rated interior door exceeds the maximum force to open (5 lbs).   | 4.1.3(7)(b)<br>4.1.3(7)(c)<br>4.1.3(7)(d)<br>4.13.10<br>4.13.11 | <b>Defendant will test and maintain door closer for compliance.</b>   |
| 31            | Lower Level (Women's Toilet Room) | Lower level is not served by an elevator or any other accessible route. There is also 1 step without handrails up from the lower level lobby into the women's toilet room. | Toilet room is on a level not served by an accessible route.  | 4.1.3(5)<br>4.1.6(1)(b)<br>4.1.6(2)<br>4.3.2(3)<br>4.3.8        | <b>Alterations to introduce vertical accessible route are not feasible due to structural constraints and landmarks status designation. Compliant handrails will be installed.</b> |

**Exh. 9B Architectural Modifications to Rodgers Theater**

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|---------------|--------------------------------------|---|---|---|--|
| 32            | Lower Level<br>(Women's Toilet Room) | The mirror is mounted at 44" AFF to the bottom of the reflecting surface.   | Bottom of mirror reflecting surface is greater than 40" above finish floor.   | 4.1.3(11)<br>4.19.6<br>4.22.6<br>Fig. 31                  | <b>Defendant will provide accessible mirror.</b>   |
| 33            | Lower Level<br>(Women's Toilet Room) | Approach to the water cooler in the corner of this toilet room lounge is blocked by stored water bottles which place controls out of reach. | Forward approach to water cooler is blocked in a narrow alcove by stored water bottles which place controls out of reach.                             | 4.1.3(10)<br>4.15<br>Fig. 27                              | <b>Defendant has provided accessible drinking fountain.</b>  |
| 34            | Lower Level<br>(Women's Toilet Room) | The public pay telephone is 65" AFF to the highest operable part (the coin slot) and offers no volume control.                              | Public pay phone is mounted too high and has no volume control (required on all accessible phones plus 25% of all other telephones of the same type). | 4.1.3(17)<br>4.2.5<br>4.2.6<br>4.30.7<br>4.31.3<br>Fig.44 | <b>Defendant has removed public pay telephone.</b>   |
| 35            | Lower Level<br>(Women's Toilet Room) | There is no RLB sign for this toilet room.  | There is no raised lettering and Braille room identification sign provided at this gender specific multi- user toilet room.                           | 4.1.3(16)(a)<br>4.30.1<br>4.30.4<br>4.30.5<br>4.30.6      | <b>Defendant will remove compliant signage.</b>  |
| 36            | Lower Level<br>(Women's Toilet Room) | The paper towel dispensers are mounted at 56" AFF.  | Towel dispenser is mounted outside of reach range.  | 4.1.3(11)<br>4.2.4<br>4.2.5<br>4.2.6<br>4.22.7            | <b>Defendant has relocated towel dispenser to accessible mounting height during course of investigation.</b> |
| 37            | Lower Level<br>(Women's Toilet Room) | There are 2 wall mounted lavatories with a rim height of 32" AFF and knee space of 28" AFF at the front edge.                               | Wall-mounted lavatories all have less than required knee clearance (29" minimum AFF at front, 27" minimum AFF at 8" deep).                            | 4.1.3(11)<br>4.19.2<br>4.19.3<br>4.22.6<br>Fig. 31        | <b>Defendant will modify existing lavatories for knee clearance compliance.</b>                              |

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|---------------|-----------------------------|--|--|--|---|
| 38            | Upper Level                 | The concession counters under the rear mezzanine are 43" AFF and 44" AFF.  | Sales, service, or information counter is higher than 36" AFF at cash register(s) for sales or distribution of goods or services to the public.                            | 7.2(1)<br>7.2(2)<br>4.3                              | <b>The units are display only and neither operate as point of sales or information. Should that change, defendant will lower a portion of the concession counter.</b> |
| 39            | Public Stairs               | Stair handrails throughout theatre are noncompliant with extension and continuity requirements.                  | Handrails are not continuous and/or do not extend at least 12" beyond top riser and one tread width + 12" beyond bottom riser.   | 4.1.3(4)<br>4.1.6(2)<br>4.4<br>4.9.4<br>Fig. 19      | <b>Defendant has provided compliant handrails.</b>  |
| 40            | Building                    | There is no directional signage to the accessible toilet room.   | No directional signage to nearest accessible toilet room at entrances to inaccessible toilet rooms.  | 4.1.2(7)(d)<br>4.1.6(3)(e)(iii)                      | <b>Defendant has provided directional signage.</b>  |
| 41            | Building                    | There are no raised letter and Braille signs where required (exits, entrance to auditorium, toilet rooms, etc.). | Raised letter and Braille signs are not provided in all places required by the ADA Standards (including, at least, all emergency exits, toilet rooms, and numbered rooms). | 4.1.3(16)(a)<br>4.30.1<br>4.30.4<br>4.30.5<br>4.30.6 | <b>Defendant will provide compliant signage.</b>  |

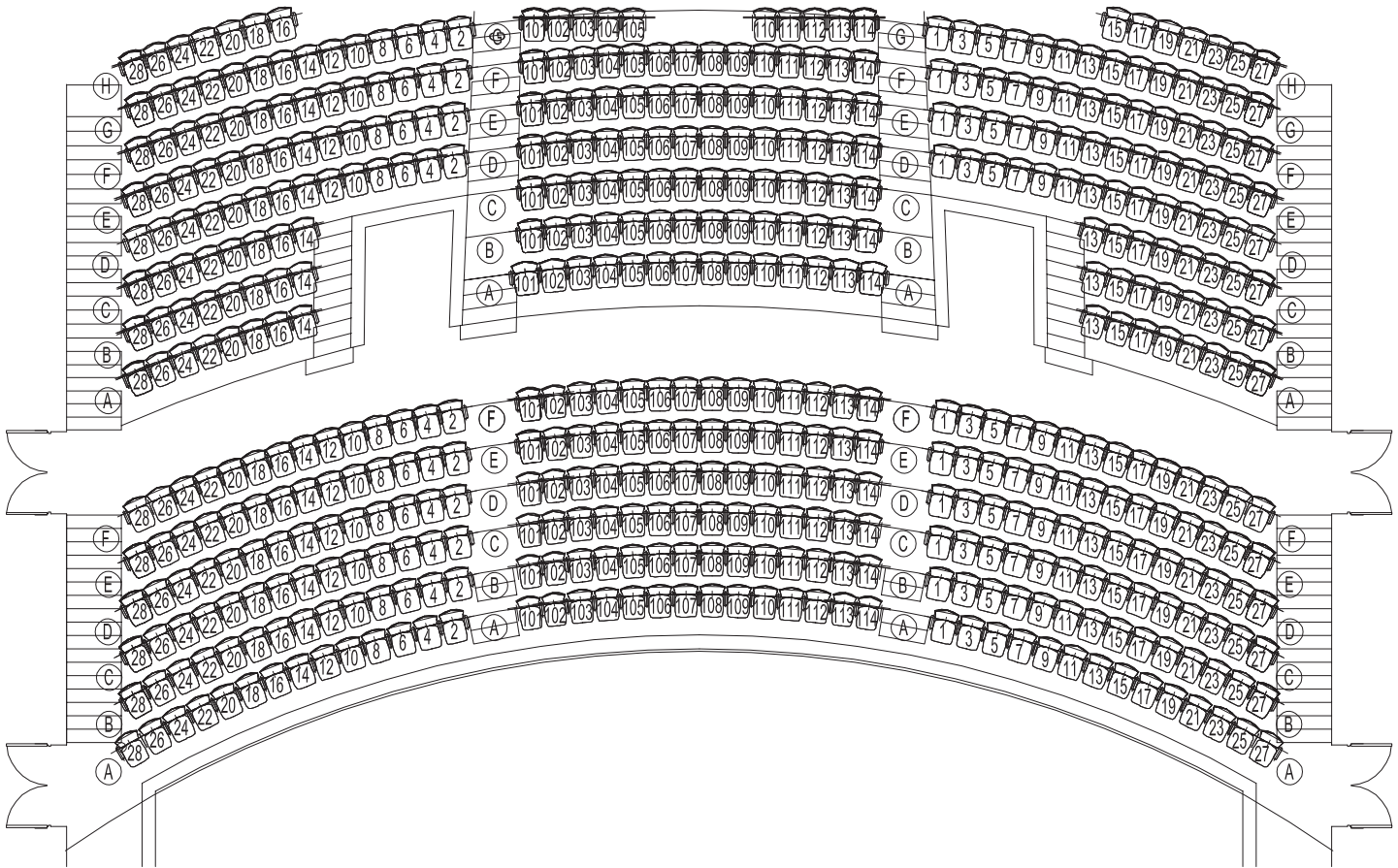


## Legend

- EXISTING AISLE TRANSFER SEAT
- NEW AISLE TRANSFER SEAT
- EXISTING WC/C LOCATION
- NEW WC/C LOCATION

**NOTE:** At the Richard Rodgers, 3 wheelchair seating and companion locations, and all 14 aisle transfer seating locations, are sold at the same price as adjacent seating locations in the same row. 3 wheelchair seating and companion locations are sold at the lowest price.





## Legend

- EXISTING AISLE TRANSFER SEAT
- NEW AISLE TRANSFER SEAT
- EXISTING WC/C LOCATION
- NEW WC/C LOCATION

NOTE: At the Richard Rodgers, 3 wheelchair seating and companion locations, and all 14 aisle transfer seating locations, are sold at the same price as adjacent seating locations in the same row. 3 wheelchair seating and companion locations are sold at the lowest price.